

Original  
H. B. No. 960

By

Brink

S. B. No. 960

A BILL TO BE ENTITLED

AN ACT

relating to the registration of pressure vessels; providing for penalties for violations of the Act; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) For the purposes of this Act, "pressure vessel" means any vessel in which the pressure is obtained from an external source or by the application of heat from an indirect source or from a direct source.

(b) The following pressure vessels are exempt from the provisions of this Act:

(1) pressure vessels regulated by the federal government;

(2) pressure vessels used for the transportation and storage of compressed gases when constructed in compliance with specifications of the United States Department of Transportation;

(3) pressure vessels when charged with gas which are marked, maintained and periodically requalified for use, as required by appropriate regulations of the United States Department of Transportation;

(4) pressure vessels located on vehicles operating pursuant to regulations of other state authorities, and used for carrying passengers or freight;

(5) pressure vessels installed on rights-of-way of railroads and used directly in the operation of trains;

(6) pressure vessels having an internal or external operating pressure not exceeding 15 PSI with no limit on size;

(7) pressure vessels with a nominal water containing capacity of 120 gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion;

(8) pressure vessels containing water heated by steam or by any other indirect means when none of the following limitations are exceeded:

(A) a heat input of 200,000 BTU's per hour;

(B) a water temperature of 200F;

(C) a nominal water containing capacity of 120 gallons;

(9) pressure vessels which are under the regulation and control of the Railroad Commission of Texas; and

(10) pressure vessels that do not exceed:

(A) five cubic feet in volume and 250 PSI pressure, or

(B) one and one-half cubic feet in volume and 600 PSI pressure, or

(C) an inside diameter of six inches with no limitation on pressure;

(11) pressure vessels regulated pursuant to Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes).

1       Sec. 2. (a) No pressure vessel may be operated in this  
2 state unless the owner or user has applied for and obtained from  
3 the Commissioner of Labor Statistics a certificate authorizing its  
4 operation. The application shall be on a form prescribed by the  
5 commissioner and shall include a statement that the vessel con-  
6 forms to the construction and maintenance code requirements for  
7 pressure vessels as formulated by the American Society of Mechan-  
8 ical Engineers. The commissioner shall issue the certificate on  
9 determining that the application is in proper form and on receiv-  
10 ing the required fee from the applicant.

11       (b) Certificates of operation issued under the provisions  
12 of this Act shall be valid for three years from the date of issu-  
13 ance.

14       (c) The commissioner shall fix and collect a fee not to  
15 exceed \$1 for each certificate of operation issued under this Act.

16       Sec. 3. If it is found, after notice and an opportunity to  
17 be heard as determined by the commissioner, that an owner or  
18 user of a pressure vessel has violated Section 2(a) of this Act,  
19 each instance of noncompliance may be treated as a separate viola-  
20 tion of this Act and subject the owner or user to a civil liabil-  
21 ity of not less than \$25, to be recovered by the attorney general  
22 in a suit brought in a district court of the county in which the  
23 violation occurred.

24       Sec. 4. The importance of this legislation and the crowded  
25 condition of the calendars in both houses create an emergency and  
26 an imperative public necessity that the Constitutional Rule  
27 requiring bills to be read on three several days in each house be  
28 suspended, and this Rule is hereby suspended, and that this Act  
29 take effect and be in force from and after its passage, and it is  
30 so enacted.  
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Austin, Texas

May 19, \_\_\_\_\_, 19 <sup>71</sup>

Honorable Ben Barnes  
President of the Senate

Sir:

We, your Committee on Labor and Management Relations,  
to which was referred S. B. No. 960, have had the same under  
consideration, and I am instructed to report it back to the Senate  
with the recommendation that it do not pass, but that the  
Committee Substitute adopted in lieu thereof do pass and be  
printed. ~~W. H. Jordan~~

Jordan

Chairman

CAS

BILL ANALYSIS

BACKGROUND INFORMATION:

PURPOSE OF THE BILL:

To regulate pressure vessels.

SECTION BY SECTION SUMMARY:

Section 1: (a) Defines "pressure vessel." (Vessel in which pressure is obtained from an external source or by the application of heat from an indirect or direct source.)

(b) Exemptions. (Includes low pressure steam boilers in Article 5221c, V.T.C.S).

Section 2: (a) Owner or user of pressure vessel must apply for and obtain from Commissioner of Labor Statistics a certificate authorizing its use. Commissioner shall prescribe form of application and shall issue certificate when he determines that everything is in proper form and upon receipt of fee.

(b) Commissioner shall set fee not to exceed \$1.00 per certificate.

Section 3: If it is found after notice and hearing that owner of pressure vessel has violated Section 2(a), each instance of violation is a separate offense which subjects owner to civil liability of not less than \$25.00 to be recovered by attorney general in a suit brought in district court of the county in which the violation occurred.

Section 4: Emergency clause.

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1 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 960

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5 A BILL TO BE ENTITLED

6  
7 AN ACT

8  
9 relating to the certification for use of certain pressure  
10 vessels; providing for penalties for violations of the Act;  
11 and providing an effective date; and declaring an emergency.

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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15 Section 1. (a) For the purposes of this Act, "pressure  
16 vessel" means any vessel in which the pressure is obtained from  
17 an external source or by the application of heat from an indirect  
18 source or from a direct source.

19 (b) The following pressure vessels are exempt from the  
20 provisions of this Act:

21 (1) pressure vessels regulated by the federal government;

22 (2) pressure vessels used for the transportation and stor-  
23 age of compressed gases when constructed in compliance with spec-  
24 ifications of the United States Department of Transportation;

25 (3) pressure vessels when charged with gas which are  
26 marked, maintained and periodically requalified for use, as  
27 required by appropriate regulations of the United States Depart-  
28 ment of Transportation;

29 (4) pressure vessels located on vehicles operating pur-  
30 suant to regulations of other state authorities, and used for  
31 carrying passengers or freight;

32 (5) pressure vessels installed on rights-of-way of rail-  
33 roads and used directly in the operation of trains;

34 (6) pressure vessels having an internal or external oper-  
35 ating pressure not exceeding 15 PSIG with no limit on size;

36 (7) pressure vessels with a nominal water containing  
37 capacity of 120 gallons or less for containing water under pres-  
38 sure, including those containing air, the compression of which  
39 serves only as a cushion;

40 (8) pressure vessels containing water heated by steam or  
41 by any other indirect means when none of the following limita-  
42 tions are exceeded:

43 (A) a heat input of 200,000 BTU's per hour;

44 (B) a water temperature of 200F;

45 (C) a nominal water containing capacity of 120 gallons;

46 (9) pressure vessels which are under the regulation and  
47 control of the Railroad Commission of Texas; and

48 (10) pressure vessels that do not exceed:

49 (A) five cubic feet in volume and 250 PSIG pressure, or

50 (B) one and one-half cubic feet in volume and 600 PSIG  
51 pressure, or

52 (C) an inside diameter of six inches with no limitation on  
53 pressure;

(11) pressure vessels regulated pursuant to Chapter 436, Acts of the 45th Legislature, Regular Session 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes); and

(12) pressure vessels installed and in operation prior to the effective date of this Act.

(c) For purposes of this Act, a pipeline shall not be considered a pressure vessel.

Sec. 2. (a) No pressure vessel installed after the effective date of this Act may be used in this state unless the owner or user has applied for and obtained from the commissioner of labor statistics a certificate authorizing its use. The application shall be on a form prescribed by the commissioner and shall include a statement that the vessel has been constructed, inspected, and installed in accordance with the applicable code requirements for pressure vessels as formulated by the American Society of Mechanical Engineers. The commissioner shall issue the certificate on determining that the application is in proper form and on receiving the required fee from the applicant.

(b) The commissioner may certify for use pressure vessels which have not been constructed, inspected, and installed in accordance with the applicable code requirements for pressure vessels as formulated by the American Society of Mechanical Engineers if it can be proven to the satisfaction of the commissioner that the design and the construction of the pressure vessel will provide equivalent safety.

(c) The commissioner shall fix and collect a fee not to exceed \$1 for each certificate of use issued under this Act.

Sec. 3. If it is found, after notice and an opportunity to be heard as determined by the commissioner, that an owner or user of a pressure vessel has violated Section 2 of this Act, each instance of noncompliance may be treated as a separate violation of this Act and subject the owner or user to a civil liability of not less than \$25, to be recovered by the attorney general in a suit brought in a district court of the county in which the violation occurred.

Sec. 4. This Act takes effect on September 1, 1971.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force as provided herein, and it is so enacted.

A BILL TO BE ENTITLED

AN ACT

relating to the certification for use of certain pressure vessels; providing for penalties for violations of the Act; and providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) For the purposes of this Act, "pressure vessel" means any vessel in which the pressure is obtained from an external source or by the application of heat from an indirect source or from a direct source.

(b) The following pressure vessels are exempt from the provisions of this Act:

(1) pressure vessels regulated by the federal government;

(2) pressure vessels used for the transportation and storage of compressed gases when constructed in compliance with specifications of the United States Department of Transportation;

(3) pressure vessels when charged with gas which are marked, maintained and periodically requalified for use, as required by appropriate regulations of the United States Department of Transportation;

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(7) pressure vessels with a nominal water containing capacity of 120 gallons or less for containing water under pressure.

including those containing air, the compression of which serves only as a cushion;

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(A) a heat input of 200,000 BTU's per hour;

(B) a water temperature of 200F;

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(9) pressure vessels which are under the regulation and control of the Railroad Commission of Texas; and

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(c) For purposes of this Act, a pipeline shall not be considered a pressure vessel.

Sec. 2. (a) No pressure vessel installed after the effective date of this Act may be used in this State unless the owner or user has applied for and obtained from the Commissioner of Labor Statistics a certificate authorizing its use. The application shall be on a form prescribed by the Commissioner and



shall include a statement that the vessel has been constructed, inspected, and installed in accordance with the applicable code requirements for pressure vessels as formulated by the American Society of Mechanical Engineers. The Commissioner shall issue the certificate on determining that the application is in proper form and on receiving the required fee from the applicant.

(b) The Commissioner may certify for use pressure vessels which have not been constructed, inspected, and installed in accordance with the applicable code requirements for pressure vessels as formulated by the American Society of Mechanical Engineers if it can be proven to the satisfaction of the Commissioner that the design and the construction of the pressure vessel will provide equivalent safety.

(c) The Commissioner shall fix and collect a fee not to exceed \$1 for each certificate of use issued under this Act.

Sec. 3. If it is found, after notice and an opportunity to be heard as determined by the Commissioner, that an owner or user of a pressure vessel has violated Section 2 of this Act, each instance of noncompliance may be treated as a separate violation of this Act and subject the owner or user to a civil liability of not less than \$25, to be recovered by the Attorney General in a suit brought in a district court of the county in which the violation occurred.

Sec. 4. This Act takes effect on September 1, 1971.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force as provided herein, and it is so enacted.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date May 29, 1971

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred S.B. 960 No. 960, have had the same under consideration

and beg to report back with recommendation that it do pass, and be do printed

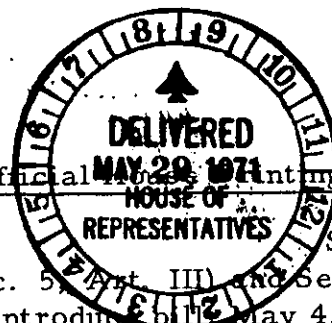
The Bill was reported from Committee by the following vote:

Unanimous voice vote

John Stader  
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)



1 By: Brooks  
 2 (In the Senate. -- Constitutional Rule (Sec. 5, Art. III) and Senate Rule 108  
 3 suspended by vote of 31 yeas, 0 nays, to introduce bill May 4, 1971, read,  
 4 referred to Committee on Labor and Management Relations; May 19, 1971,  
 5 reported adversely, with favorable Committee Substitute; Committee  
 6 Substitute read first time; May 28, 1971, Senate and Constitutional Rules  
 7 to permit consideration suspended by unanimous consent; May 28, 1971, read  
 8 second time and ordered engrossed; May 28, 1971, Senate and Constitutional  
 9 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third  
 10 reading and final passage; May 28, 1971, read third time and passed by  
 11 31 yeas, 0 nays.)

CHARLES SCHNABEL  
 Secretary of the Senate

14 May 28, 1971, Engrossed.

BEA LEWIS  
 Engrossing Clerk

17 May 28, 1971, Sent to House.

18 May 28, 1971, Received from the Senate.

DOROTHY HALLMAN  
 Chief Clerk, House of Representatives

21 (In the House. -- May 29, 1971, read first time and referred to Committee  
 22 on State Affairs; May 29, 1971, reported favorably, by unanimous voice vote,  
 23 sent to Printer.)

#### 26 A BILL 27 TO BE ENTITLED

28 AN ACT relating to the certification for use of certain pressure  
 29 vessels; providing for penalties for violations of the  
 30 Act; and providing an effective date; and declaring an  
 31 emergency.

32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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 43 and periodically requalified for use, as required by appropriate regulations  
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 46 of other state authorities, and used for carrying passengers or freight;
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6 45th Legislature, Regular Session, 1937, as amended (Article 5221c,

7 Vernon's Texas Civil Statutes); and

8 (12) pressure vessels installed and in operation prior to the effective  
9 date of this Act.

10 (c) For purposes of this Act, a pipeline shall not be considered a pressure  
11 vessel.

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13 Act may be used in this State unless the owner or user has applied for  
14 and obtained from the Commissioner of Labor Statistics a certificate  
15 authorizing its use. The application shall be on a form prescribed by the  
16 Commissioner and shall include a statement that the vessel has been  
17 constructed, inspected, and installed in accordance with the applicable  
18 code requirements for pressure vessels as formulated by the American  
19 Society of Mechanical Engineers. The Commissioner shall issue the  
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23 not been constructed, inspected, and installed in accordance with the  
24 applicable code requirements for pressure vessels as formulated by the  
25 American Society of Mechanical Engineers if it can be proven to the  
26 satisfaction of the Commissioner that the design and the construction of  
27 the pressure vessel will provide equivalent safety.

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29 certificate of use issued under this Act.

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33 may be treated as a separate violation of this Act and subject the owner or  
34 user to a civil liability of not less than \$25, to be recovered by the  
35 Attorney General in a suit brought in a district court of the county in which  
36 the violation occurred.

37 Sec. 4. This Act takes effect on September 1, 1971.

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39 the calendars in both Houses create an emergency and an imperative public  
40 necessity that the Constitutional Rule requiring bills to be read on three  
41 several days in each House be suspended, and this Rule is hereby suspended;  
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COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, May 29, 1971

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

SIR: We, your Committee on State Affairs, to whom was referred S. B. No. 960, have had the same under consideration and beg to report back with recommendation that it do pass, and be printed.

James L. Slider, Chairman

BILL ANALYSIS

Background Information:

Purpose of the Bill:

To regulate pressure vessels.

Section by Section Summary:

Section 1: (a) Defines "pressure vessel." (Vessel in which pressure is obtained from an external source or by the application of heat from an indirect or direct source.)

(b) Exemptions. (Includes low pressure steam boilers in Article 5221c, V.T.C.S. Excludes pressure vessels installed and in operation prior to the effective date of this Act.)

(c) For purpose of this Act, a pipeline shall not be considered a pressure vessel.

Section 2: (a) Owner or user of pressure vessel must apply for and obtain from Commissioner of Labor Statistics a certificate authorizing its use. Commissioner shall prescribe form of application and shall issue certificate when he determines that everything is in proper form and upon receipt of fee.

(b) Commissioner may certify for use pressure vessels which do not meet code requirements as formulated by the American Society of Mechanical Engineers if it can be proven that the design and construction of the pressure vessel will provide equivalent safety.

(c) Commissioner shall set fee not to exceed \$1.00 per certificate.

Section 3: If it is found after notice and hearing that owner of pressure vessel has violated Section 2, each instance of violation is a separate offense which subjects owner to civil liability of not less than \$25.00 to be recovered by Attorney General in a suit brought in district court of the county in which the violation occurred.

Section 4: Effective date: September 1, 1971.

Section 5: Emergency clause.

Summary of Committee Action:

S. B. No. 960 passed by unanimous voice vote.

This bill proposes new law.

S.B. No. 960

By

Brook

AN ACT relating to the registration of pressure vessels; providing for penalties for violations of the Act; and declaring an emergency.

Constitutional Rule (Sec. 5, Art. III) and Senate Rule 108 suspended by vote of 31 yeas, 0 nays, to introduce bill.

MAY 28 1971

Received from  
the Senate

MAY 4 1971

Filed with the Secretary of the Senate

Read, referred to Committee on Labor and Management Relations

Reported favorably.

MAY 19 1971

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 28 1971

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by unanimous consent.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of 31 yeas, 0 nays.

Read second time and ~~ordered engrossed.~~

Caption ordered amended to conform to body of bill.

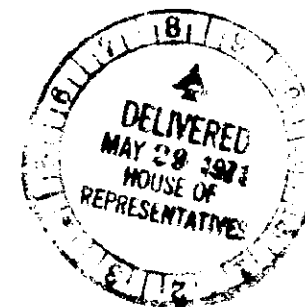
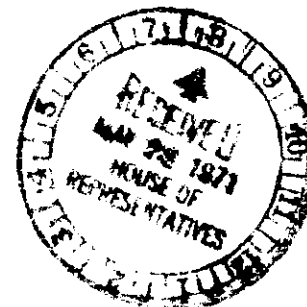
Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

Read third time and passed by 31 yeas, 0 nays.

OTHER ACTION:

Secretary of the Senate

MAY 28 1971 REPORTED FAVORABLY SENT TO PRINTER



5-28-71 Engrossed

Sent to HOUSE

ENGROSSING CLERK